

**Title 17, California Code of Regulations
Division 3. Air Resources Board
Chapter 1. Air Resources Board
Subchapter 9. Conflict of Interest Code**

Article 1. General Provisions

§ 95000. Incorporation by Reference of Standard Conflict of Interest Code.

The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard Conflict of Interest Code which can be incorporated by reference into the Conflict of Interest Code of a state agency. The regulation may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated herein by reference and, along with the following Appendix in which officials and employees are designated and disclosure categories are set forth, constitute the Conflict of Interest Code of the California Air Resources Board.

Designated employees shall file statements of economic interest with the person designated to perform this function for the agency. Upon receipt of the statement of the Board Members and the Executive Officer of the Air Resources Board, said person shall make and retain a copy and forward the original of these statements to the Fair Political Practices Commission.

Authority: Sections 39600 and 39601, Health and Safety Code; Sections 87300 and 87306, Government Code. Reference: Sections 87300, 87301, 87302 and 87500, Government Code; Section 18700 of Title 2, California Code of Regulations.

Article 2. Appendix: Designated Employees and Disclosure Categories

§ 95001. Professional Employees.

For purposes of the following disclosure categories persons at all levels of the following employment classifications are deemed to be professional employees:

Analysts
Biostatisticians

Chemists
Engineers
Field Representatives
Managers
Meteorologists
Officers
Programmers
Spectroscopists
Specialists
Supervisors
Toxicologists
Transportation Planners
Writers

NOTE: Authority Cited: Sections 39600 and 39601, Health and Safety Code; Sections 87300 and 87306, Government Code. Reference: Sections 82019 and 87302, Government Code.

§ 95002. Category I.

- (a) Air Resources Board Members, the Advisors to the Board, members of the Scientific Review Panel on Toxic Air Contaminants, members of the Scientific Advisory Committee on Acid Deposition, members of the Research Screening Committee, Executive Officer, Chief Deputy Executive Officer, Deputy Executive Officers, all Special Office Chiefs, all Division Chiefs and Assistant Division Chiefs, all Administrative Law Judges, all Staff Attorneys, all professional employees, special assistants and special consultants* attached to the Chair's Office and to the Executive Office, Branch Chiefs of the Administrative Services Division, and the Training Section Manager, the Contracts Manager, Contracts Analysts, Procurement Officers, Business Services Officer Supervisors, and Business Management Analysts.
- (b) Every person in this Category must report: all investments, all interests in real property, all sources of income, and his or her status as a director, officer, partner, trustee, employee, or holder of any position of management in any business entity.

* With respect to consultants, however, the Executive Officer may determine in writing that a particular consultant, although a "designated person," is hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure requirements described in this section. Such determination shall include a description of the consultant's duties and, based upon the description, a statement of the extent of the disclosure requirements. A copy of the written determination shall be retained at the Offices of the Air Resources Board and made available for public inspection. Nothing herein excuses any consultant from any other provision of this Conflict of Interest Code. (This footnote applies to consultants in all disclosure categories, as indicated by the asterisks in the following sections.)

NOTE: Authority Cited: Sections 39600 and 39601, Health and Safety Code; Sections 82019, 87300 and 87306, Government Code. Reference: Sections 82019 and 87302, Government Code.

§ 95003. Category II.

- (a) Members of the abrasive Blasting Committee and all professional employees in and special consultants* attached to the Stationary Source Division.
- (b) Every person in this category must report: all investments in, income from, and his or her status as a director, officer, partner, trustee, employee, or holder of any position of management,
 - (1) in any business entity which is subject to any laws of the State of California, or regulations promulgated by the Air Resources Board, relating to the control of air pollution from nonvehicular sources, or subject to any rules or regulations promulgated by any local air pollution control district;
 - (2) in any business entity of the type which has contracted with the Board to provide services, supplies, materials, machinery, instrumentation, or equipment to the Board;
 - (3) in any business entity, including a construction company, which is regularly engaged in the development of or investments in real property in California; and
 - (4) in any business entity which is regularly engaged in the preparation of environmental impact reports or environmental impact statements.

Authority: Sections 39600 and 39601, Health and Safety Code; Sections 87300 and 87306, Government Code. Reference: Sections 82019 and 87302, Government Code.

§ 95004. Category III.

- (a) All professional employees in and special consultants* attached to the Research Division.
- (b) Every person in this Category must report: all investments in, income from, and his or her status as director, officer, partner, trustee, employee, or holder of any position of management in,
 - (1) any business entity which is subject to any laws of the State related to the control of air pollution from vehicular or nonvehicular sources, or which is subject to any rules or regulations promulgated either by the Air Resources Board or any local air pollution control district; and
 - (2) any business entity or non-profit institution involved in activities relating to air pollution research, the development of air pollution control strategies or any activity which for the

past two years has been the subject of a board research proposal, bid or contract.
Authority: Sections 39600 and 39601, Health and Safety Code; Sections 87300 and 87306, Government Code. Reference: Sections 82019 and 87302, Government Code.

§ 95005. Category IV.

- (a) All professional employees in and special consultants* attached to the Compliance Division, the Planning and Technical Support Division, and the Monitoring and Laboratory Division.
- (b) Every person in this Category must report: all investments in, income from, and his or her status as a director, officer, partner, trustee, employee, or holder of any position of management, in any business entity which is subject to any laws of the State of California relating to the control of air pollution from vehicular or non-vehicular sources, or which is subject to any rules or regulations promulgated either by the Air Resources Board or by any local air pollution control district.

NOTE: Authority Cited: Sections 39600 and 39601, Health and Safety Code; Sections 87300 and 87306, Government Code. Reference: Sections 82019 and 87302, Government Code.

95006. Category V.

- (a) All professional employees in and special consultants* attached to the Mobile Source Operations Division and the Mobile Source Controls Division.
- (b) Every person in this category must report: all investments in, income from, and his or her status as a director, officer, partner, trustee, employee, or holder of any position of management,
 - (1) in any business entity associated with the manufacture, distribution, sale, leasing, repair, or (except for entities associated solely with the news media) the advertisement of motor vehicles, vehicular emission control devices or equipment, or vehicle aftermarket parts or vehicle fuels or fuel additives which may affect emissions; and
 - (2) in any business entity of the type of which has contracted within the previous two years with the Board to provide services, supplies, materials, machinery, instrumentation, or equipment to the Board.

Authority: Sections 39600 and 39601, Health and Safety Code; Sections 87300 and 87306, Government Code. Reference: Sections 82019 and 87302, Government Code.

§ 95007. Advisory Committees.

The Board finds that all members of advisory groups or committees appointed by the Board pursuant to Health and Safety Code Section 39603, perform a solely advisory

function, and hence are not "designated employees" within the meaning of this Code, and are therefore exempt from the requirements of this Code.

Authority: Sections 39600 and 39601, Health and Safety Code; Sections 87300 and 87306, Government Code. Reference: Sections 82019 and 87302, Government Code.